

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Brian J. Cristofono,
Debtor.

Case No. BKY 20-40994
Chapter 7 Case
Chief Judge Michael E. Ridgway

Aneta Lennartson and Top Law, PLLC,
Plaintiffs,
v.
Brian J. Cristofono,
Defendant.

Adv. Proceeding No. 20-04094-MER

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the Appellant(s).

1. Name(s) of appellant(s): (1) Aneta Lennartson and Top Law, PLLC; and (2) Jeremy J. Cobb, Esq., counsel for Appellants (appealing an order for sanctions).
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal: Plaintiffs and their counsel.

Part 2: Identify the Subject of This Appeal.

1. Describe the judgment, order, or decree appealed from: orders (1) denying Plaintiffs' motion requesting that the Court direct Defendant to replead his answer and strike Defendant's putative affirmative defense, ECF No. 13, (attached as Exhibit A); (2) granting Defendant's motion for summary judgment, ECF No. 34, (amended order, attached as Exhibit B); and (3) for sanctions against undersigned counsel, ECF No. 32, (attached as Exhibit C).
2. State the date on which the judgment, order, or decree was entered: Thursday, August 27, 2020 (first order); Wednesday, December 16, 2020 (third order); and Wednesday, December 17, 2020 (second order, amending an order issued a day earlier).

[Continues on next page.]

Part 3: Identify the Other Parties to the Appeal.

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

<u>PARTY</u>	<u>ATTORNEY</u>
1.	Plaintiffs Aneta Lennartson and Top Law, PLLC Jeremy J. Cobb (#316441) COBB CHAUCER PLLC 400 South Fourth Street, Suite 401-232 Minneapolis, Minnesota 55415 Telephone: (763) 516-6231 jjcobb@umich.edu
2.	Defendant Brian J. Cristofono Nathan M. Hansen (#0328017) NATHAN M. HANSEN, ATTORNEY AT LAW 2440 North Charles Street, Suite 242 North St. Paul, Minnesota 55109 Telephone: (651) 704-9600 nathan@hansenlawoffice.com

Part 4: Optional Election to Have Appeal Heard by District Court (Applicable Only in Certain Districts).

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign Below.

Dated: December 30, 2020

Respectfully submitted,

COBB CHAUCER PLLC

/e/ Jeremy J. Cobb
Jeremy J. Cobb (#316441)
400 South Fourth Street, Suite 401-232
Minneapolis, Minnesota 55415
(763) 516-6231
jjcobb@umich.edu

Counsel for Plaintiffs

EXHIBIT A

Exhibit to Notice of Appeal and Statement of Election
Aneta Lennartson and Top Law, PLLC v. Cristofono (In re Cristofono)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Brian John Cristofono,

BKY Case No. 20-40994

Debtor.

Aneta Lennartson and Top Law, PLLC,

ADV No. 20-4094

Plaintiffs,

-v.-

ORDER DENYING MOTION

Brian John Cristofono,

Defendant.

At Minneapolis, Minnesota, August 27, 2020.

This adversary proceeding came before the Court on the “NOTICE OF HEARING AND VERIFIED MOTION OF PLAINTIFFS FOR AN ORDER (1) DIRECTING DEFENDANT TO REPLEAD HIS ANSWER AS NOT COMPLIANT WITH FED. R. CIV. P. 8 AND FED. R. BANKR. P. 9011, AND (2) STRIKING DEFENDANT’S PUTATIVE AFFIRMATIVE DEFENSE,” (the “Motion”) together with the defendant’s response thereto, as well as the plaintiffs’ reply (the “Reply”) to the defendant’s response.

After the close of argument, and based on the evidence, and all the files, records, and proceedings herein, pursuant to Fed. R. Bankr. P. 7052, the Court orally stated and recorded in open court its decision, concluding that the Motion should be denied.

ACCORDINGLY, IT IS HEREBY ORDERED THAT the Motion is denied in all respects.

BY THE COURT:

/e/ Michael E. Ridgway

Michael E. Ridgway
Chief United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 08/27/2020
Lori Vosejpkka, Clerk, by MJS

EXHIBIT B

Exhibit to Notice of Appeal and Statement of Election
Aneta Lennartson and Top Law, PLLC v. Cristofono (In re Cristofono)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. 20-40994

Brian J. Cristofono,

Debtor.

Chapter 7

Aneta Lennartson and Top Law, LLC,

Adv. No. 20-04094

Plaintiffs,

v.

Brian J. Cristofono,

Defendant.

AMENDED ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

At Minneapolis, Minnesota, December 17, 2020.

This adversary proceeding came on for hearing before the Court regarding the debtor defendant's motion for summary judgment, at ECF No. 28, and the plaintiffs' response thereto, at ECF No. 29. Appearances were as noted on the record. Following the close of argument, and based upon all of the files, records, and proceedings herein, the Court orally stated and recorded its decision in open court. Accordingly,

IT IS HEREBY ORDERED:

1. The debtor defendant's motion for summary judgment, at ECF No. 28, is **GRANTED** in its entirety.
2. The debt owed by the debtor to the plaintiffs is not excepted from discharge under 11 U.S.C. § 523(a).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: *December 17, 2020*

/e/ Michael E. Ridgway

Michael E. Ridgway
Chief United States Bankruptcy Judge

EXHIBIT C

Exhibit to Notice of Appeal and Statement of Election
Aneta Lennartson and Top Law, PLLC v. Cristofono (In re Cristofono)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. 20-40994

Brian J. Crisofono,

Debtor.

Chapter 7

Aneta Lennartson and Top Law, PLLC,

Adv. No. 20-04094

Plaintiffs,

v.

Brian J. Cristofono,

Defendant.

ORDER REGARDING ORDER TO SHOW CAUSE

At Minneapolis, Minnesota, December 16, 2020.

This adversary proceeding came on for a reconvened hearing before the Court regarding the Court's *sua sponte* Order to Show Cause, appearing at ECF No. 14. Appearances were as noted on the record. Following the close of argument, and based upon all of the files, records, and proceedings herein, the Court orally stated and recorded its decision in open court.

Accordingly,

THE FOLLOWING SANCTIONS ARE HEREBY ORDERED:

1. Within 14 days of the date of this order, plaintiffs' counsel, Mr. Jeremy Cobb, shall issue a letter of apology – which will be docketed in both this adversary case and the debtor's main bankruptcy case – to both Mr. Nathan Hansen, debtor defendant's counsel, and to the Court.

2. Within 90 days of the date of this order, Mr. Jeremy Cobb will complete and submit appropriate proof of attendance and/or participation in three (3.0) hours of Continuing Legal Education credits on the topic(s) of professionalism and/or civility among the Bar, in accordance with the themes of the specific course examples enumerated by the Court on this record.

Dated: December 16, 2020

/e/ Michael E. Ridgway

Michael E. Ridgway
Chief United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on **12/16/2020**
Lori Vosejpkka, Clerk, by MJS